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Attorneys for Defendants
FRITO-LAY NORTH AMERICA, INC. and
PEPSICO, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

JESSE HOUGHTAILING,

Plaintiff,

v.

FRITO-LAY NORTH AMERICA, INC., and
PEPSICO, INC., AND DOES 1 TO 100,
inclusive,

Defendants.

CASE NO. 3:11-cv-05062-TEH
Judge: Hon. Thelton E. Henderson

**STIPULATION AND REQUEST TO
CONTINUE ENTRY OF DISMISSAL;
~~PROPOSED~~ ORDER GRANTING
CONTINUANCE**

Action Filed: August 24, 2011
Removal Filed: October 14, 2011
Trial Date: None Set

TO THIS HONORABLE COURT:

Plaintiff Jesse Houghtailing (hereinafter "Plaintiff"), by and through his counsel, and Defendants Frito-Lay North America, Inc. and Pepsico, Inc. ("Defendants"), by and through their counsel, do hereby agree, stipulate, and respectfully request as follows:

1. WHEREAS, ON November 19, 2012 the court entered its Order of dismissal, 60 days following, conditioned upon the performance of the settlement agreement or objection by a party;

2. WHEREAS, the parties have not finalized the wording of the Release and Settlement Agreement and the consideration has not been exchanged;

3. WHEREAS, the parties believe they will be able to finalize the agreement and exchange by February 18, 2013;

8. THE PARTIES HEREBY STIPULATE to continue the currently scheduled Dismissal up to and including February 18, 2013, and request to Court to so Order.

IT IS SO STIPULATED.

Dated: January 15, 2013

DuCHARME & COHEN

By s/ James A. DuCharme
JAMES A. DuCHARME

Attorneys for Plaintiff
JESSE HOUGHTAILING

Dated: January 15, 2013

VILLARREAL HUTNER & TODD PC

By /s/ Julie Wong
TRACY S. TODD
JULIE WONG

Attorneys for Defendants
FRITO-LAY NORTH AMERICA, INC.
and PEPSICO, INC.

ATTESTMENT OF CONCURRENCE PER GENERAL ORDER 45 FOR FILING:

I attest that concurrence in the filing of this document by the signatory Julie Wong, has been obtained, and that a record of the concurrence shall be maintained by Du Charme & Cohen.

I declare under penalty of perjury pursuant to the laws of the United States of America that the foregoing is true and correct.

Executed at Vallejo, California this 15th day of January, 2013

/s/ James A. Du Charme

James A. Du Charme

[~~PROPOSED~~] ORDER

Having considered the foregoing stipulation of the parties, the Court orders the Dismissal in the instant matter, Houghtailing v. Frito-Lay North America, Inc., et al., case number 3:11-cv-05062-TEH, be continued to February 18, 2013, on the same conditions as this Court's Order of November 19, 2012.

IT IS SO ORDERED.

Dated: 01/16, 2013

